

HOUSE BILL 2357

By Matheny

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to anti-Semitism.

WHEREAS, Title VI of the Civil Rights Act of 1964 (title VI) is one of the principal
antidiscrimination statutes enforced by the federal Department of Education's Office for Civil
Rights; and

WHEREAS, Title VI prohibits discrimination on the basis of race, color, or national origin;
and

WHEREAS, both the Department of Justice and the federal Department of Education
have properly concluded that title VI prohibits discrimination against Jews, Muslims, Sikhs, and
members of other religious groups when the discrimination is based on the group's actual or
perceived shared ancestry or ethnic characteristics or when the discrimination is based on
actual or perceived citizenship or residence in a country whose residents share a dominant
religion or a distinct religious identity; and

WHEREAS, Anti-Semitism remains a persistent, disturbing problem in elementary and
secondary schools and on college campuses; and

WHEREAS, Jewish students are being threatened, harassed, or intimidated in their
schools (including on their campuses) on the basis of their shared ancestry or ethnic
characteristics including through harassing conduct that creates a hostile environment so
severe, pervasive, or persistent so as to interfere with or limit some students' ability to
participate in or benefit from the services, activities, or opportunities offered by schools; and

WHEREAS, awareness of the federal definition of anti-Semitism will increase
understanding of the parameters of contemporary anti-Jewish conduct and will assist the

Tennessee Department of Education in determining whether an investigation of anti-Semitism under title VI is warranted; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a)

(1) As used in this section, "anti-Semitism" is a certain perception of Jews that may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals or property, Jewish community institutions, and Jewish religious facilities.

(2) This definition is the same as that used in the fact sheet issued on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism of the federal department of state.

(b)

(1) Examples of anti-Semitism include, but are not limited to:

(A) Calling for, aiding, or justifying the killing or harming of Jews which may be demonstrated in the name of a radical ideology or an extremist view of religion;

(B) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective – especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions;

(C) Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews;

(D) Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust; and

(E) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations.

(2) These examples are the same as those that appear under the heading "Contemporary Examples of Anti-Semitism" in the fact sheet issued on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism of the federal department of state.

(c)

(1) Examples of ways, taking into account the overall context, in which anti-Semitism manifests itself with regard to the state of Israel could include, but are not limited to:

(A) Demonization of Israel by:

(i) Using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis;

(ii) Drawing comparisons of contemporary Israeli policy to that of the Nazis; or

(iii) Blaming Israel for all interreligious or political tensions;

(B) Setting double standards for Israel by:

(i) Requiring of Israel a behavior not expected or demanded of any other democratic nation; or

(ii) Focusing, by multilateral organizations, on Israel only for peace or human rights investigations;

(C) Delegitimizing Israel by denying the Jewish people their right to self-determination, and denying Israel the right to exist. However, criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic.

(2) These examples are the same as those that appear under the heading "What is Anti-Semitism Relative to Israel" in the fact sheet issued on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism of the federal department of state.

(d) In reviewing, investigating, or deciding whether there has been a violation of a kindergarten through grade twelve (K-12) education policy prohibiting discriminatory practices on the basis of an individual's actual or perceived shared Jewish ancestry or Jewish ethnic characteristics, LEAs and public schools shall take into consideration the definition and examples of anti-Semitism in subsections (a)-(c) for purposes of determining whether the alleged practice was motivated by anti-Semitic intent.

(e) Nothing in this section shall be construed to diminish or infringe upon any right protected under the Constitution of Tennessee, Article I, § 3, or the First Amendment to the Constitution of the United States.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a)

(1) As used in this section, "anti-Semitism" is a certain perception of Jews that may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals or property, Jewish community institutions, and Jewish religious facilities.

(2) This definition is the same as that used in the fact sheet issued on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism of the federal department of state.

(b)

(1) Examples of anti-Semitism include, but are not limited to:

(A) Calling for, aiding, or justifying the killing or harming of Jews which may be demonstrated in the name of a radical ideology or an extremist view of religion;

(B) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective – especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions;

(C) Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews;

(D) Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust; and

(E) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations.

(2) These examples are the same as those that appear under the heading "Contemporary Examples of Anti-Semitism" in the fact sheet issued on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism of the federal department of state.

(c)

(1) Examples of ways, taking into account the overall context, in which anti-Semitism manifests itself with regard to the state of Israel could include, but are not limited to:

(A) Demonization of Israel by:

(i) Using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis;

(ii) Drawing comparisons of contemporary Israeli policy to that of the Nazis; or

(iii) Blaming Israel for all interreligious or political tensions;

(B) Setting double standards for Israel by:

(i) Requiring of Israel a behavior not expected or demanded of any other democratic nation; or

(ii) Focusing by multilateral organizations on Israel only for peace or human rights investigations;

(C) Delegitimizing Israel by denying the Jewish people their right to self-determination, and denying Israel the right to exist. However, criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic.

(2) These examples are the same as those that appear under the heading "What is Anti-Semitism Relative to Israel" in the fact sheet issued on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism of the federal department of state.

(d) In reviewing, investigating, or deciding whether there has been a violation of a postsecondary education policy prohibiting discriminatory practices on the basis of an

individual's actual or perceived shared Jewish ancestry or Jewish ethnic characteristics, state institutions of higher education shall take into consideration the definition and examples of anti-Semitism in subsections (a)-(c) for purposes of determining whether the alleged practice was motivated by anti-Semitic intent.

(e) Nothing in this section shall be construed to diminish or infringe upon any right protected under the Constitution of Tennessee, Article I, § 3, or the First Amendment to the Constitution of the United States.

SECTION 3. The Tennessee higher education commission shall ensure that duly authenticated copies of this act are transmitted to, or posted on the website of, the following entities no later than September 1, 2018:

- (1) The President of the United States;
- (2) The Speaker and Clerk of the United States House of Representatives;
- (3) The President and Secretary of the United States Senate;
- (4) The Tennessee board of regents;
- (5) The respective governing board of each state university;
- (6) The board of trustees of the University of Tennessee;
- (7) The director of schools for each LEA within the state; and
- (8) The Israeli Embassy in Washington, D.C., for transmission to the proper authorities in the State of Israel.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.